

**UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
EASTERN DIVISION**

THE RELIGIOUS SISTERS OF MERCY,
et al.

Plaintiffs

v.

ALEX M. AZAR, II, Secretary of the United
States Department of Health and Human
Services, *et al.*

Defendants

Case No. 3:16-cv-00386

CATHOLIC BENEFITS ASSOCIATION, *et*
al.

Plaintiffs

v.

ALEX M. AZAR, II, Secretary of the United
States Department of Health and Human
Services; UNITED STATES
DEPARTMENT OF HEALTH AND
HUMAN SERVICES; Victoria Lipnic, Acting
Chair of the United States Equal Employment
Opportunity Commission; and UNITED
STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

Defendants

Case No. 3:16-cv-00432

CBA PLAINTIFFS' RESPONSE TO DEFENDANTS' STATUS REPORT

The Catholic Benefits Association (“CBA”) writes in response to the Defendants’ status report, ECF No. 58. In light of Defendant HHS’s representations, the CBA does not object to continuing the stay at this time. The CBA notes, however, that Defendant EEOC still does not address the CBA’s repeated concern that the EEOC may initiate enforcement actions against CBA members based on its unwarranted and unlawful interpretation of Title VII. Defendant HHS states

that it is “not currently contemplating any enforcement actions pursuant to the Rule.” Defendant EEOC offers no similar representation—it merely says that it has not received any referrals pursuant to the Rule. The CBA reserves the right to ask the Court to consider the CBA’s motion for injunctive relief against Defendant EEOC as these issues develop.

DATED: February 23, 2018.

Respectfully submitted,

s/ Eric N. Kniffin
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CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2018, I electronically filed a copy of the foregoing. Notice of this filing will be sent via email to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

s/ Eric N. Kniffin
ERIC N. KNIFFIN